

Application No. 09/853,986

REMARKS/ARGUMENTS

Claims 1-10 were rejected under Section 103 as being unpatentable over Kalmus in view of Hawkins. As for Claim 1, the claimed first computer software means corresponds to the coded set of computer instructions referred to in the specification as the representative's version. Among other functionality, the representative's version provides functionality for creating trade data concerning a particular trade to be executed, the trade data being recorded in the form of a trade record. The claimed second computer software means corresponds to the branch manager's version of software which allows a branch manager to view the created data and to approve/disapprove of the trade records. The claimed third computer software means corresponds to the DBMS administrator software which handles many requirements of the system to include common administrative functions. One specific functionality associated with the claimed third computer software means is the ability to prevent unauthorized access and use of the trade data through various security measures such as use of ID/passwords, and encryption/decryption of transmitted data. Claim 1 has been amended to incorporate the limitations of Claim 3, namely, means for monitoring the modification of trade data in respective trade records. This means for monitoring corresponds to functionality in the first software means which logs and records changes made to entered trade record data, as fully explained in the description, and specifically referenced at page 26. Accordingly, an audit of the system may be conducted to include audit reports which provide a listing of modifications made to a particular trade record (for example, see Fig. 27). As shown in this audit report, any and all modifications to a trade record can be tracked to include the identity of the user making the change.

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In the presently claimed invention, the type of information which is processed in the data processing system specifically corresponds to broker transaction information wherein a broker is communicating with a customer regarding the execution of a trade order, and the functionality in the various computer software programs (i.e., claimed functional descriptive material) provides the functionality to allow the system to operate as desired. The present invention does not claim or otherwise disclose methods or processes for actually settling a trade, and this is clearly evident by simply noting that there is no mention or discussion of any type of custodian (for example, a bank) within the present invention. As stated above, the first computer software means corresponds to the representative's version which allows a broker to enter data regarding a particular security to be traded, and one specific claimed aspect of this first computer software means is the ability to monitor the modification of trade data. Hawkins has no disclosure regarding any means to monitor the modification of a trade record created by the first computer software means wherein an audit report is generated that can detail the trade record modifications and identify the user who has made the change. The passages referred to by the Examiner as corresponding to this claimed feature (Column 10, lines 45-55) do not suggest or even imply this claimed feature. In Hawkins, clearing agents 228/230 receive message notifications 234/236 of the transaction. When the notification is downloaded, the server applies a time stamp. Message notification of the completed transaction is also sent to the executing broker. "By attaching dates and tracking the flow of messages, the system allows secured trading and tracing trading activities such as the changes, additions, or deletions, made to the data." It is clear from this passage in Hawkins that what is traced is not changes made to a broker's order 208 prior to the

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order being made, but only after a transaction has been completed, or subsequent changes to a transaction in the form of another changed, completed transaction. Claim 1 further requires the trade data to be trade records to be executed and not yet settled. As fully explained at page 26 of the description, the means for monitoring can be considered an internal monitoring feature for a brokerage to track trade record data, especially changes made prior to settling the trade.

Because Hawkins does not disclose the claimed means for monitoring modification of trade data, it therefore cannot be obvious to combine any such feature of Hawkins with Kalmus.

Furthermore, Kalmus teaches away from any suggestion that trade record should be monitored for modifications. The system in Kalmus simply retrieves best bid and ask prices from a remote database, an order is qualified for execution by stored parameters vs. specific content fields, and once qualified, the order is executed (column 1, ls. 54-68, column 2, ls. 1-8). In summary, both Kalmus and Hawkins fail to teach or suggest the claimed means for monitoring modification of trade data.

As for claimed functionality in the second computer software means reciting approving/disapproving of the trade records to be executed and not yet settled, Kalmus and Hawkins fail to disclose this feature. Hawkins indicates that standing delivery instructions 116 allow the originating broker and the clearing agents 128/130 to settle the trade, and that such standard instructions can be overridden (col.11, ls. 10-19); however, there is no indication that a trade can ever be disapproved, only changed by creating new standard delivery instructions. Claims 2, and 5-9 depend from claim 1. Therefore, this rejection under Section 103 should be withdrawn.

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Claims 11 and 12 were rejected under Section 102. These claims have been cancelled, thus this rejection is moot.

Claims 13-27 were rejected under Section 103 as being unpatentable over Hawkins. For the same reasons set forth above with respect to Claim 1, independent claim 13 should be allowed since Kalmus and Hawkins fail to disclose the claimed creating step in the form of a comparison audit report detailing the changes made to a trade record to be executed and not yet settled. Independent claims 24 and 26 require the step of creating an output in the form of a compliance report reflective of rejected email messages. Even assuming Hawkins contemplates communications by email, Hawkins fails to disclose this claimed feature and notably fails to disclose any criteria by which email messages might be rejected or accepted as compared to a compliance report in the present invention. The remaining claims in this group depend directly or indirectly from claims 13, 24 and 26. Thus, this rejection under Section 103 should also be withdrawn.

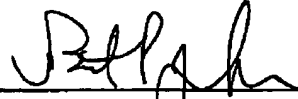
Applicant has added new claim 28. For the same reasons as set forth above with respect to claim 1, specifically regarding creating a display in the form of a comparison showing changes in a trade record to be executed and not yet settled, this claim also distinguishes over the prior art of record.

Applicant has made a sincere effort to place the application in a condition for allowance; therefore, such favorable action is earnestly solicited. In the event that a telephone conversation would further prosecution and/or expedite allowance, the Examiner is invited to contact the undersigned.

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